UNITED STATES DISTRICT COURT
FOR THE NORTHEN DISTRICT OF NEW YORK

ARBOR HILL CONCERNED CITIZENS NEIGHBORHOOD ASSOCIATION, ET. AL.	))))
Plaintiffs	))
vs.	)))
COUNTY OF ALBANY, ET. AL.	))
Defendants.	))

DECLARATION OF DR. BAODONG (PAUL) LIU

I, BAODONG (PAUL) LIU, hereby declare the following:

1.   My name is Baodong (Paul) Liu.

2.   I have been retained by Plaintiffs in the above-captioned litigation to render an expert opinion regarding the existence of racially polarized voting in Albany, New York elections involving a choice between or among African American and non-African American candidates.

3.   I prepared a preliminary expert report on May 29, 2003.

4.   My findings and conclusions are contained in the attached report which bears my signature.

1
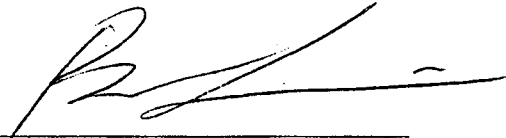
Pursuant to 28 U.S.C. ' 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 29, 2003

DR. BAODONG (PAUL) LIU

<u>Preliminary Report</u>

By

Baodong (Paul) Liu, Ph.D.

Case

ARBOR HILL CONCERNED CITIZENS NEIGHBORHOOD ASSOCIATION, ET. AL.	))))
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I.   <u>Introduction</u>

I have been retained as an expert by counsel for the Plaintiffs in the above captioned litigation. I have prepared this report pursuant to Federal Rule of Civil Procedure 26(1)(2)(B).

I have been asked to express opinions on whether racially polarized voting exists in Albany County, New York.

II. <u>Professional Qualifications</u>

I am an assistant professor of political science in the Department of Political Science at the University of Wisconsin-Oshkosh. I have done extensive research regarding the relationship between election systems and the ability of minority voters to participate fully in the political process and to elect representatives of their choice.

1

My research has won the Byran Jackson Award for the best study/dissertation about racial voting from the Urban Politics Section of the American Political Science Association, and the Ted Robinson Award from the Southwest Political Science Association. The results of my research have been published in the <u>Social Science Quarterly</u>, <u>Urban Affairs Review</u>, <u>Political Behavior</u>, <u>Journal of Urban Affairs</u>, <u>Southeastern Political Review</u>, <u>American Review of Politics</u>, and other journals.

Attached as Exhibit 5 to this report is a curriculum vita setting forth my professional background, which includes a list of all publications authored or co-authored by me, including forthcoming publications.

III.   <u>Opinions</u>

I have reached the following opinions:

Based on the data available at the time of writing this report, voting in the 1991 Albany County-Legislature District Four (Democratic Primary) election, and in the Board of Education elections in the City of Albany, from 1995 through 2001 involving a choice between or among African American and non-African American candidates has appeared to be "racially polarized," in that in these elections African American voters, based on the preliminary data analysis, expressed a preference for African American candidates and this preference was not shared by the non-African American voters.

IV.   <u>Basis and Reasons for Opinions</u>

The Albany County-Legislature election analyzed in this report is the 1991 District Four Democratic primary, in which the African American candidate was Willie Mae Spencer.

The five Board of Education elections analyzed in this report include the 2001 election, in which the African American candidates were Dyann E. Parker and Paul C. Webster; the 2000 election, in which the African American candidates were William R. Barnette and Barry D. Walston; the 1999 election, in which the African American candidates were Lester Freeman, Dyanne E. Parker, Vickie Smith, Victoria Reyes, and Barry D. Walston; the 1997 election, in which the African American candidates were Lola W. Brabham and Katharine Webb; and the 1995 election, in which the African American candidates were Ward DeWitt and Ada M. Nicholson.

The data utilized in the analyses of these elections are the votes cast for the various candidates in each precinct in the elections and measures of the racial composition of the electorates in these precincts. The measure of the latter

2

was the percentage of voting age population (VAP) that was non-Hispanic African American derived from the 2000 census data.[1]

The Scatterplot depicting the relationship between the percentage of votes that Willie Mae Spencer, the African American candidate in the 1991 county-legislature election, received within each precinct and the respective African American percentage of voting age population are provided in Exhibit 1. The scatterplot clearly shows that Spencer received a much higher level of support from the precincts in which over 60 percent of the voting age population is African American (the four dots at the upper right corner of the figure) than the precincts in which less than 40 percent of the voting age population is African American (the four dots at the lower left corner of the figure).[2]

Exhibit 2 provides the estimates of group support for Spencer. These estimates are based on Goodman Regression, Ecological Inference (EI) procedure, and double regression, which showed that African American voters in these elections have expressed a preference for Spencer and this preference was not shared by the non-African American voters.

With respect to the Board of Education elections, non-African American homogeneous precinct analyses are used, and they simply report the percentage of the votes cast received by a particular candidate within the precincts in which over 90 percent of the voting age population is non-African American.[3]

Exhibit 3 provides the estimates of non-African American support for each Board of Education candidate based on the homogeneous precinct analysis. The results show that with the exception of the 2000 election, non-African American voters in these elections have expressed a preference for non-African American candidates.

Due to the fact that all five Board of Education elections were multi-member-district races, in which voters cast their votes for more than one candidate, the Ecological Inference (EI) procedure developed by Professor Gary King cannot be used.[4] The conclusion of this preliminary report is based on double

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[1] The 1990 census data were used for the analysis regarding the 1991 county-legislature election.

[2] The County Legislature 4th District also included two more precincts from the Town of Colonie in 1991. These two precincts are excluded from this analysis because there are no African American VAP data available at the time of writing this report. Excluding these two precincts, however, should not affect the conclusion made in this report, because the African American candidate only received 16.04% and 13.24% of the votes cast in the two precincts of Town of Colonie, which has been a white predominant area.

[3] There were no homogeneously African American precincts in Albany, NY, according to the 2000 census data.

[4] See Gary King, A Solution to the Ecological Inference Problem: Reconstructing Individual Behavior from Aggregate Data (Princeton University Press, 1997).

regression analyses, the type of regression analysis relied on in Thornburg v. Gingles [478 U.S. 30, (1986)].

Exhibit 4 provides the result of double regression analyses, which confirmed the findings of Exhibit 3 regarding the vote preferences of non-African American voters (see the last column of Exhibit 4).[5] Double regression method also revealed that African American voters in these elections have expressed a preference for African American candidates and this preference was not shared by the non-African American voters (see the African American ranking column).

In sum, while caution should be exercised due to the limitation on the dataset available at this time, the analyses based on the visual scatterplot and various statistical procedures suggest that voting in the county-legislature election and five Board of Education elections from 1995 through 2001 has shown the characteristics of "racial polarization," defined by the Supreme Court in Thornburg v. Gingles, (478 U.S. 30, at 53 n.21).

V.   Exhibits

Exhibit 1 contains the scatterplot displaying the relationship between racial composition of precincts and the votes cast for the African American candidate in the 1991 District 4 county-legislature election.

Exhibit 2 contains the results of statistical procedures for racial divisions in candidate preferences in the 1991 District 4 county-legislature election.
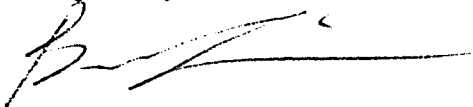
Exhibit 3 contains the results of homogeneous precinct analysis.

Exhibit 4 contains the results of double regression analysis for racial divisions in candidate preferences.

Exhibit 5 is my curriculum vita.

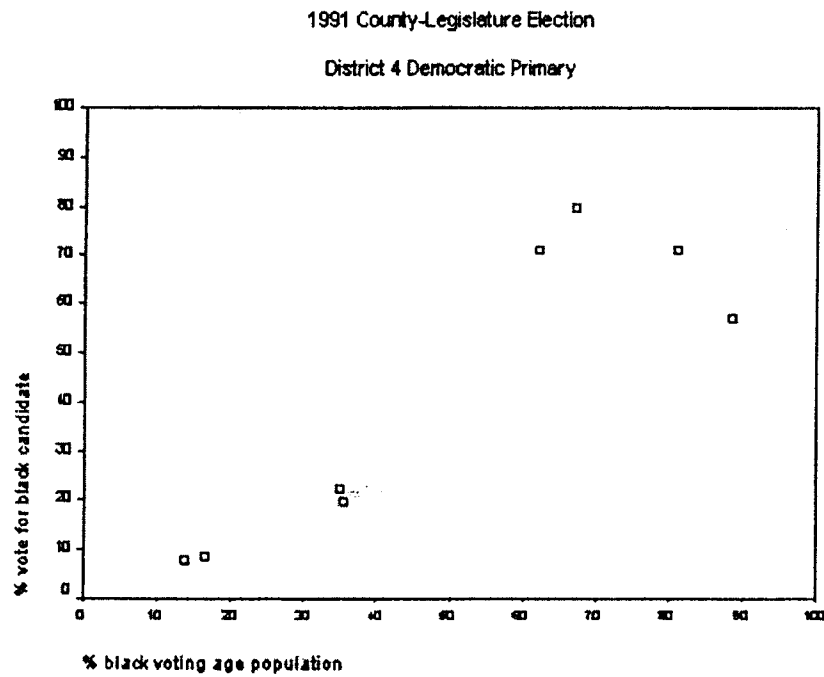Date: May 29, 2003

Respectfully submitted,

Baodong (Paul) Liu, Ph.D.

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[5] Furthermore, even for the 2000 Board of Education election, the double regression method estimated that Barnette, the African American candidate was not the first choice of non-African American voters, who chose Gaffuri, a white candidate as their preference.

4

Exhibit 1

Scatterplot

1991 County-Legislature Election

District 4 Democratic Primary

Exhibit 2

Estimated Divisions in Support for Willie Mae Spencer
In the 1991 County-Legislature Election, District 4

	% of non-African American voters	% of African American voters[6]
Goodman Regression	-5.13	89.81
Gary King's EI Procedure	8.95	59.75
Double-Regression	9.07	NA

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[6] One shortcoming of Goodman Regression and double regression methods is that sometimes it may produce impossible estimates (e.g., white group support for black candidates at −5 percent). In this report, when an estimate is not available because double regression produces a negative group turnout number, it is indicated as N.A.

6

EXHIBIT 3
Non-African American Homogeneous Precinct Analysis

Candidate	% Vote	Vote Ranking

Board of Education Election, 1995

DeWitt (BC)	11.09	5
Nicholson(BC)	6.52	7
Hancox	12.46	4
Darnows	5.72	8
McCaffrey	17.13	2
Sullivan	8.09	6
Waltz	2.69	9
Trant	16.06	3
Amodeo	20.25	1

Board of Education Election, 1997

Brabham (BC)	18.45	4
Webb (BC)	27.76	2
Lindsay	22.11	3
McCaffrey	31.68	1

Board of Education Election, 1999

Freeman (BC)	19.36	4
Parker (BC)	21.87	3
Walston (BC)	.49	5
Smith (BC)	.46	6
Reyes (BC)	.31	7
Wexler	31.79	1
Swidorski	25.74	2

Board of Education Election, 2000

Barnette (BC)	22.29	1
Walston (BC)	13.27	5
Deitz	10.28	6
Dill	13.59	4
Gaffuri	21.27	2
Portelli	19.31	3

Board of Education Election, 2001

Parker (BC)	11.54	5
Webster (BC)	23.09	2
Fahy	32.87	1
Portelli	11.90	4
Tenan	20.60	3

Note:
BC=black candidate

7

EXHIBIT 4
Double-Regression Analysis

Candidate	% of African American voters	African American Ranking[7]	% of non-African American voters	Non-African American Ranking
Board of Education Election, 1995				
DeWitt (BC)	NA	1	10.70	5
Nicholson(BC)	NA	2	6.30	7
Hancox	NA	5	12.69	4
Darnows	NA	3	5.86	8
McCaffrey	NA	5	17.45	2
Sullivan	NA	5	8.20	6
Waltz	NA	4	2.90	9
Trant	NA	5	15.61	3
Amodeo	NA	5	20.30	1
Board of Education Election, 1997				
Brabham (BC)	157.30	1	18.39	4
Webb (BC)	88.60	2	27.80	2
Lindsay	.00	3	22.05	3
McCaffrey	.00	3	31.75	1
Board of Education Election, 1999				
Freeman (BC)	NA	1	19.08	4
Parker (BC)	NA	2	21.57	3
Walston (BC)	NA	4	.44	6
Smith (BC)	NA	3	.48	5
Reyes (BC)	NA	5	.29	7
Wexler	NA	6	31.76	1
Swidorski	NA	7	26.39	2
Board of Education Election, 2000				
Barnette (BC)	57.19	2	20.61	3
Walston (BC)	75.01	1	11.96	5
Deitz	1.90	3	10.41	6
Dill	.00	4	14.11	4
Gaffuri	.00	4	22.15	1
Portelli	.00	4	20.78	2

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[7] Because the double-regression analysis produced a negative value for the turnout estimates for three of the five elections (1995, 1999, 2000), the rankings for African American support in these elections are based on the value of proportion of black VAP who voted for the particular candidate (not the black voters who actually voted).

8

Board of Education Election, 2001

Parker (BC)	NA	1	10.59	5
Webster (BC)	NA	2	23.33	2
Fahy	NA	2	33.52	1
Portelli	NA	2	12.41	4
Tenan	NA	2	20.15	3

9